

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

***NEWPORT NEWS DIVISION***

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>Criminal No. 4:17cr127</b>
	)	
<b>JOSHUA D. AUSTIN,</b>	)	
	)	
<b>Defendant.</b>	)	

**GOVERNMENT’S MOTION FOR A CONTINUANCE**

NOW COMES the United States of America, by its representative, Megan Cowles, Assistant United States Attorney, and moves the Court to grant the government’s motion for a continuance in the above styled cause. In support of its motion, the United States of America asserts the following:

1. On February 21, 2018, the Defendant Joshua D. Austin entered a guilty plea to Count Two (Distribution of Child Pornography) of a ten-count criminal indictment before the Honorable Lawrence R. Leonard, United States Magistrate Judge. The Court accepted the plea, and a sentencing hearing was set for May 21, 2018.
2. The attorney for the United States is scheduled to begin a week-long jury trial before the Honorable Judge Mark A. Davis on May 15, 2018.
3. In light of the issues in this case, including the nature of the offense and specific terms of the plea agreement, the United States maintains that the assigned Assistant United States Attorney is a necessary party to the sentencing of the Defendant and substituting counsel would prejudice the government.

4. At the time of this motion, the Defendant is on bond, subject to monitoring by the U.S. Probation Office. The United States has notified counsel for the Defendant of this motion, and the Defendant does not object to the continuance.

WHEREFORE, the United States of America respectfully requests that the Court grant its motion for a continuance of the sentencing hearing.

Respectfully submitted,

Tracey Doherty-McCormick  
Acting United States of America

By: \_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> day of May, 2018, I electronically filed the foregoing with the Clerk of Court using CM/ECF system, which will send a notification of such filing (NEF) to the following:

James O. Broccoletti, Esquire  
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Norfolk, Virginia 23502

By: \_\_\_\_\_/s/\_\_\_\_\_  
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